

IN THE SUPREME COURT OF THE STATE OF DELAWARE

STEVEN A. WHITE,	§
	§
Petitioner Below-	§ No. 486, 2010
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for New Castle County
	§ C.A. No. 10M-07-044
Respondent Below-	§
Appellee.	§

Submitted: November 12, 2010

Decided: January 14, 2011

Before **STEELE**, Chief Justice, **HOLLAND** and **BERGER**, Justices.

ORDER

This 14th of January 2011, upon consideration of the parties’ briefs and the record below, it appears to the Court that:

(1) The appellant, Steven White, filed this appeal from the Superior Court’s denial of his petition for a writ of habeas corpus. White petitioned for habeas corpus alleging that his commitment is invalid and his 1977 convictions and sentence are illegal because the State, again, breached its plea agreement by contesting White’s 2009 petition for parole.¹ We find no

¹ See *White v. State*, 1996 WL 944844 (Del. Super. April 9, 1996) (issuing, among other things, a peremptory writ of mandamus directing the Department of Justice to abide by its plea agreement with White “not to oppose any application by [White] for parole”).

merit to White's appeal. Accordingly, we affirm the Superior Court's judgment.

(2) The record reflects that White pled guilty in 1977 to two counts of second degree murder. As part of the plea agreement, the State agreed not to oppose White's request for parole, once he became eligible. Ultimately, White was paroled in 2003. In 2004, a violation report was filed after White tested positive for drug use. His parole was violated and his prison sentence was reinstated. White is presently incarcerated pursuant to the Board of Parole's reinstatement of his sentence after finding he had violated the conditions of his parole. In 2009, White filed his petition for habeas corpus alleging that the State had violated his plea agreement by opposing his 2009 application for parole. According to White, the State's violation of its obligation not to oppose his application for parole rendered his convictions, sentence, and commitment invalid. The Superior Court denied the writ. This appeal followed.

(3) After careful consideration of the parties' respective positions on appeal, we find it manifest that the judgment of the Superior Court should be affirmed. In Delaware, the writ of habeas corpus is very limited and only provides relief to obtain judicial review of the jurisdiction of the court

ordering the prisoner's commitment.² In this case, the commitment of White on a parole violation is valid on its face, and White is being held pursuant to that valid commitment.³ Thus, there is no basis for a writ of habeas corpus.

(4) Moreover, the record does not support the factual premise underlying White's petition for habeas corpus, i.e., that the State violated his plea agreement by opposing his 2009 petition for parole. White characterizes the letter as a "diatribe" intended to "prejudice the Parole Board." While the State's letter to the Board of Parole may have included an unnecessary repetition of the facts underlying White's convictions, the letter only recited facts concerning White's case, which were already part of the record. The letter reflected that the State took no position on White's application for parole. Accordingly, the record does not support White's assertion that the Deputy Attorney General's letter violated the State's obligation under its plea agreement with him.

NOW, THEREFORE, IT IS ORDERED that the judgment of the Superior Court is AFFIRMED.

BY THE COURT:

/s/ Randy J. Holland
Justice

² *Hall v. Carr*, 692 A.2d 888, 891 (Del. 1997).

³ Del. Code Ann. tit. 10, § 6902(1) (1999).